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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,996	02/02/2006	Takuya Fukuda	040302-0541	9854

22428 7590 01/23/2009  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
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3618

MAIL DATE	DELIVERY MODE
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01/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,996	<b>Applicant(s)</b> FUKUDA, TAKUYA	
	<b>Examiner</b> JOHN D. WALTERS	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6, 8 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Multiple (5)</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1 - 5, 7, 9 - 11 and 13 have been examined. Claims 6, 8 and 12 have been withdrawn by Applicant via election restriction.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the front motor mounts" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 9 - 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (6,494,286). Shimizu discloses a vehicle comprising:

- A drive motor unit (Fig. 1, item 1);

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- a front part of said drive motor unit being attached to a vehicle body member via a front motor mount (Fig. 1, item 3);
- a rigid, robust member, i.e. air compressor, disposed in front of and obliquely above said drive motor unit and above and in front of said front motor mount (Figs. 1 and 2, item 10);
- said rigid, robust member being mounted to said drive motor in a state of being vibration isolated (column 2, lines 16 - 24);
- a rear part of said drive motor unit being attached to said vehicle body member via a rear motor mount disposed above a front motor mount (Figs. 1 and 4, item 4);
- said rear motor mount being attached to a stay extending upward from a rear part of said suspension member (Figs. 1 and 4, item 4b);
- said front motor mount and a second front motor mount being provided on a right and left side of said drive motor unit (Fig. 1, items 3 and 5);
- said vehicle body member comprising a suspension member having a substantially h-shaped or a square frame shaped form (Fig. 1, items 6 and 6b or items 6a, 6b, 6c, 3 and 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (6,494,286). Shimizu discloses a vehicle as described above. Shimizu does not specifically disclose the composition of said air compressor nor the specifics of the strengths of said motor mounts.

In regards to claim 2, it would be obvious to one of ordinary skill in the art to provide an air compressor housing manufactured as a casting from metal, as it has been held to be within the general skill of a worker in the art to select a know material in the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

In regards to claim 7, it would be within the skill and knowledge of one of ordinary skill in the art to set the appropriate strengths of motor mounts in response to the weight and distribution of said weight of a motor/engine assembly. This would be variable between configurations based upon what auxiliary components are mounted directly to said motor/engine, their mount locations and their weights. One of ordinary skill in the art would be required to review and possibly modify the motor mount strengths for any changes to the center of gravity of a said motor/engine assembly.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Watanabe (4,487,287) discloses a support system for automobile power plants;

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- Arvidsson et al. (5,133,427) disclose a vehicle engine suspension device;
- Tsuji et al. (5,372,216) disclose a power plant supporting structure;
- Green et al. (6,607,172) disclose a mounting bracket for a solenoid valve;
- Takagi et al. (6,968,915) disclose a fuel cell automobile capable of reducing vibration;
- Hirayu (7,213,671) discloses a structure for mounting an engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/  
Supervisory Patent Examiner, Art Unit 3618

John D. Walters  
Examiner  
Art Unit 3618

/J. D. W./  
Examiner, Art Unit 3618